

STATE OF INDIANA)
)
)SS:
COUNTY OF HOWARD)

IN THE HOWARD COUNTY
CIRCUIT/SUPERIOR COURT

CAUSE NO **34C01-1408-CT-00683**

MICHELLE COLLINS, as Personal)
Representative of the Estate of TIMOTHY)
J. DEWEESE, Deceased,)

Plaintiff,)

vs.)

HOOK-SUPERX, L.L.C.,)

Defendant.)

JURY TRIAL DEMANDED

FILED

AUG 04 2014

KIM WILSON

Clerk Howard Cir. Court

COMPLAINT FOR DAMAGES

Comes now the Plaintiff, Michelle Collins as Personal Representative of the Estate of Timothy J. DeWeese, Deceased, (hereafter "Plaintiff"), by counsel, and for this wrongful death cause of action against the Defendant, Hook-SuperRx, L.L.C. (hereafter "Hook-SuperRx"), alleges and states as follows:

1. Plaintiff, Michelle Collins was duly appointed by the Howard County Court as Personal Representative of the Estate of Timothy J. DeWeese.

2. The Defendant, Hook-SuperRx, L.L.C. is a corporation licensed to do business in the State of Indiana, with its principal business located on One CVS Drive, Woonsocket, Rhode Island, 02895, and owned, controlled and operated by CVS Pharmacies located in the State of Indiana, including the one store located at 2340 West Sycamore Street, Kokomo, Indiana.

3. The Defendant negligently filled an excessive amount of prescriptions for medications to Tim, including potent opiates and narcotics, at its Kokomo, Indiana pharmacy.



4. Not surprisingly, Tim became addicted to these medications, and on January 14, 2010, Tim died of respiratory failure related to an overdose as a result of the Defendant's negligence.

5. The Defendant's treatment fell below the applicable standard of care in the following respects, which are not all-inclusive:


- a) Filling and re-filling excessive addictive and habit-forming medications knowing the decedent to have a dependence upon these medications, or Defendant should have known of the same;
- b) Failing to take action when Tim demonstrated obvious signs of drug abuse and addiction;
- c) Failing to refuse to continue filling medications to Tim after a reasonable period of time;
- d) Failing to refuse to prescribe these medications to the decedent after a reasonable period of time, provided that the medications were indicated in the first place; and
- e) Otherwise failing to comply with reasonable standards of pharmaceutical care.

6. As a direct and proximate result of Defendants' negligence, Tim became addicted to the aforementioned medications and died on January 14, 2010.

7. As a direct and proximate proximate result of Defendant's negligence, the decedent's biological parents, Mary Jessica Gomez and John Rex DeWeese, have suffered loss of love, care and affection of their adult son, the decedent, and hereby seek all damages permitted by the Indiana Wrongful Death Act.

WHEREFORE, Plaintiff, by counsel, prays for judgment against the Defendants in an amount which will compensate the Plaintiff for damages, for pre-judgment interest, and for all attorneys' fees related to the prosecution of this claim, and all other just and proper relief.

WAGNER REESE, LLP



Jason R. Reese, Atty. No. #20330-64

WAGNER REESE, LLP
11939 North Meridian Street
Carmel, IN 46032
Telephone: (317) 569-0000
Facsimile: (317) 569-8088
Email: JReese@InjuryAttorneys.com

STATE OF INDIANA)

COUNTY OF HOWARD)

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SUMMONS

TO: Hook-SuperRx, L.L.C.
c/o CT Corporation System
150 West Market Street, Suite 800
Indianapolis, Indiana 46204

You are hereby notified that you have been sued by the persons named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the *Complaint for Damages*, which is attached to this Summons. It also states the relief sought or the demand made against you by Plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three [23] days if the Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Dated: 8/4/14

Kim Wilson (Seal)
Howard County Superior Court
104 N. Buckeye St., Room 114
Kokomo, IN 46901
(765) 456-2204

(The following manner of service of summons is hereby designated.)

- XX Registered or certified mail.
_____ Service at place of employment, to-wit:
_____ Service on individual - (Personal or copy) at above address.
_____ Service on agent. (Specify) As designated above.
_____ Other service. (Specify)

WAGNER REESE, LLP
11939 North Meridian Street
Carmel, Indiana 46032-8529

Telephone: (317) 569-0000
Facsimile: (317) 569-8088
E-Mail: JReese@InjuryAttorneys.com

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I served this summons on the _____ day of _____, 20____.

(1) By delivering a copy of the summons and a copy of the complaint to the Defendant,

(2) By leaving a copy of the summons and a copy of the complaint at _____
_____ which is the dwelling place or usual place of
abode of _____ and by mailing a copy of said
summons to said Defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this summons and a copy of the
complaint to the Defendant, _____, by _____ mail, requesting a return
receipt at the address furnished by the Plaintiff.

Dated: _____, 20____.

Clerk, Howard County Superior Court

By: _____
Deputy

RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing the Summons and a copy of the
complaint mailed to Defendant, _____, was accepted by the Defendant on the _____ day
of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the
complaint was returned not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the
complaint mailed to Defendant _____ was accepted by _____ on
behalf of said Defendant on the _____ day of _____, 20____.

Dated: _____, 20____.

Clerk, Howard County Superior Court

By: _____
Deputy

STATE OF INDIANA
IN THE HOWARD COUNTY COURT

MICHELLE COLLINS, Personal
Representative of ESTATE OF
TIMOTHY J. DEWEESE,

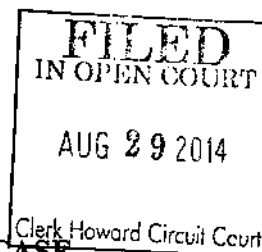
Plaintiff,

vs.

HOOK-SUPERX, L.L.C.,

Defendant.

CAUSE NO. 34C01-1408-CT-00683



APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating: ☐ Responding: ☒ Intervening: ☐

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s): **HOOK-SUPERX, L.L.C.**
2. Applicable attorney information for service as required by Trial Rule 5(B) (2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name:	Edward L. Holloran, III	Attorney Number:	#27452-49
	FROST BROWN TODD LLC	Phone:	(317) 237-3291
Address:	201 North Illinois Street, Suite 1900	FAX:	(317) 237-3900
	P.O. Box 44961	Email:	eholloran@fbtlaw.com
	Indianapolis, IN 46244-0961		
Name:	Jessica Williams Schnelker	Attorney Number:	31566-49
	FROST BROWN TODD LLC	Phone:	317-237-3800
Address:	201 North Illinois Street	FAX:	317-237-3900
	Suite 1900	Email:	jschnelker@fbtlaw.com
	P.O. Box 44961		
	Indianapolis, IN 46244-0961		

3. There are other party members: Yes ☐ No ☒ (If yes, list on continuation page.)
4. If first initiating party filing this case, the clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): Not Applicable

5. I will accept service by FAX at the above noted number: Yes ☐ No ☒
6. This case involves support issues: Yes ☐ No ☒ (If yes, supply social security numbers for all family members on continuation page.)
7. There are related cases: Yes ☐ No ☒
8. This form has been served on all other parties. Certificate of Service is attached: Yes ☒
No ☐

Respectfully submitted,

FROST BROWN TODD LLC


By: _____

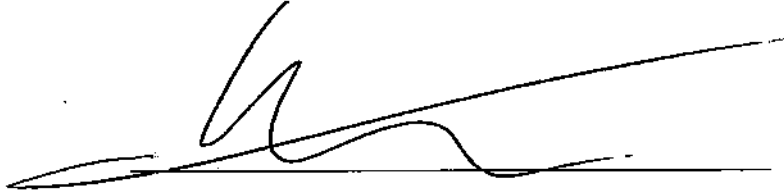
Edward L. Holloran, III, #27452-49
Jessica Williams Schnelker, #31566-49
Attorneys For Defendant Hook-SuperRx,
L.L.C.

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States

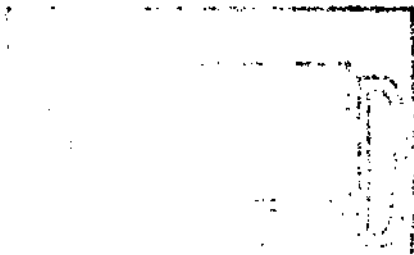
Mail, first class postage prepaid, this 29th day of AUGUST, 2014, addressed to:

Jason R. Reese
WAGNER REESE, LLP
11939 North Meridian Street
Carmel, IN 46032



FROST BROWN TODD LLC
201 North Illinois Street, Suite 1900
P.O. Box 44961
Indianapolis, IN 46244-0961
317-237-3800
Fax: 317-237-3900
eholloran@fbtlaw.com
jschnelker@fbtlaw.com

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STATE OF INDIANA
IN THE HOWARD COUNTY COURT

MICHELLE COLLINS, Personal
Representative of ESTATE OF
TIMOTHY J. DEWEESE,

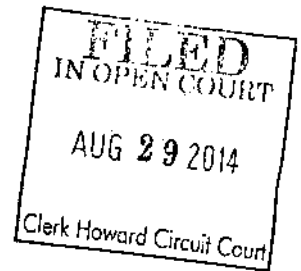
Plaintiff,

vs.

HOOK-SUPERX, L.L.C.,

Defendant.

CAUSE NO. 34C01-1408-CT-00683



**UNOPPOSED NOTICE OF ENLARGEMENT OF TIME TO FILE
A RESPONSE TO PLAINTIFF'S COMPLAINT**

The Defendant, Hook-SupeRx, L.L.C., by counsel, and pursuant to Local Rule LR34-TR73–Rule 10(C), respectfully requests that it be granted a thirty (30) day enlargement of time in which to respond to Plaintiff’s Complaint and, in support thereof, states as follows:

1. The Defendant was served with a Complaint on August 6, 2014.
2. Defendant's responsive pleading to Plaintiff's Complaint is due on or before August 29, 2014.
3. Counsel for Defendant has just recently been retained to represent Defendant and, as such, does not have sufficient information to move or plead at present.
4. Counsel for Defendant will need thirty (30) days from August 29, 2014 to respond to Plaintiff's Complaint.
5. Pursuant to Local Rule LR34-TR73-Rule 10(C), the Defendant respectfully requests an enlargement of time of thirty (30) days from the original response due date of August

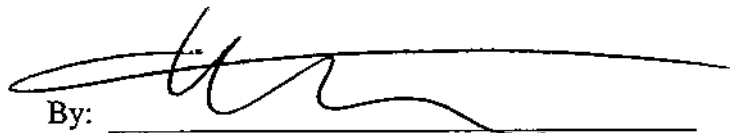
29, 2014, thereby making Defendant's response to Plaintiff's Complaint now due on or before September 29, 2014.

6. Defendant's request is being made in good faith and not for purposes of delay.

7. In addition, counsel for Defendant would state that he exchanged email correspondence with counsel for Plaintiff on August 26, 2014, requesting an extension of time to respond to Plaintiff's Complaint. Plaintiff's counsel indicated in an email response that he had no objection to Defendant's request for an enlargement of time to respond to Plaintiff's Complaint.

WHEREFORE, the Defendant, Hook-SuperRx, L.L.C., respectfully moves this Court for an enlargement of thirty (30) days to respond to Plaintiff's Complaint, thereby making Defendant's response now due on or before October 3, 2014.

FROST BROWN TODD LLC

By: 
Edward L. Holloran, III, #27452-49
Jessica Williams Schnelker, #31566-49
Attorneys for Defendant

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States

Mail, first class postage prepaid, on August 29th, 2014, addressed to:

Jason R. Reese
WAGNER REESE, LLP
11939 North Meridian Street
Carmel, Indiana 46032

A handwritten signature in black ink, appearing to read 'Jason R. Reese', is written over a horizontal line.

FROST BROWN TODD LLC
201 North Illinois Street, Suite 1900
P.O. Box 44961
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eholloran@fbtlaw.com
jschnelker@fbtlaw.com

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